

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

00 NOV - 1 PM 12:59
11/1/2000

69cv07941 JC DEP: K-SANTA FE

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW Jose Z. Chacon (please print your full name)
JOSE Z CHACON

and answers the complaint as follows:

<u>Subfile No</u>	<u>Object</u>	<u>Claim No Right</u>
CHGA-03-0019	<u><i>jzc</i></u>	<u><i> </i></u>

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHGA-03-0019 because

There are laterals that go through these willows.
This land has always been irrigated, these willows
are all new growth from within the last 2 years

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

I sent my son Andrew Chacon to the field office.
I was not present when this land was examined.
I am familiar with the historical irrigation on
this land and I would like an opportunity
to show this land myself.

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____
because

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 10-13-00

Jose Z. Chacon
(Signature - JOSE Z CHACON)

P.O. Box 58,

Gallina, N. Mex. 87017

(Address: Print Clearly)

505 - 638 - 5684

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico by August 31, 2000. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer by August 31, 2000. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.

Affadavit of Jose Z. Chacon

State of New Mexico)
) ss
County of Rio Arriba)

Being duly sworn I state that;

1. I own Subfile Tract 030019 in the Gallina section the the Rio Chama hydrographic survey in Gallina, New Mexico.
2. The new consent order omitted about 0.5 acre of land where willows were found.
3. These willows are new growth; they grew since being cut in the fall of 1999.
4. I have always irrigated this land; the last time I irrigated this whole area was in the spring of 2000.
5. There are laterals that deliver water to this whole tract of land including the disputed areas.



Jose Z. Chacon

SUBSCRIBED AND SWORN TO BEFORE ME BY Jose Z. Chacon ON THIS
1372 DAY OF OCTOBER, 2000.



Notary Public

My commission expires June 7, 2003